

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEVI STRAUSS & CO, et al.,

Plaintiffs,

v.

PAPIKIAN ENTERPRISES, INC, et al.,

Defendants.

No. C 10-05051 JSW

**ORDER VACATING HEARING
AND RULING RE ORDER TO
SHOW CAUSE**

Defendants' Motion for Summary Judgment is set for hearing on May 20, 2011. The Court finds the matter suitable for disposition without oral argument. *See* N.D. Civ. L.R. 7-1(b). Accordingly, the hearing set for May 20, 2011 is VACATED. The Court shall issue a ruling in due course.

The Court also has considered the parties' positions with respect to the Order to Show Cause regarding Defendants' supplemental request for judicial notice and supplemental declarations, filed on April 13 and 14, 2011, respectively. The Court notes that Defendants chose to file their motion before the parties had begun discovery. The Court admonished Defendants that absent extraordinarily good cause, it only permits one motion for summary judgment. Defendants did not withdraw the motion when the Court gave them the opportunity to do so. If Defendants required additional time to marshal evidence in support of their motion, they should have delayed filing the motion.

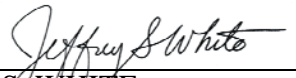
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1 The Court concludes that Defendants have not established good cause to permit them to
2 file substantive evidence in support of their motion after the briefing deadline closed.
3 Accordingly, the Court shall decide the motion - and shall determine whether the motion should
4 be deferred pending further discovery - without considering the supplemental declarations and
5 without considering Exhibit 4 to the supplemental request for judicial notice.

6 **IT IS SO ORDERED.**

7 Dated: May 18, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE